

REMARKS

Claims 1-38 and 44-49 constitute all currently pending claims in the application.

I. Formalities

In the Office Action of November 6, 2007, the Examiner indicated that only “some” certified copies of priority documents had been received. In fact, on February 1, 2006, the Examiner did receive all certified copies of priority documents for which priority is claimed. Accordingly, Applicant respectfully requests that the Examiner indicate that “all” certified copies of priority documents have been received.

Moreover, regarding the Examiner’s statement regarding an English translation, 37 C.F.R. § 1.55(a)(4)(i) states that “An English language translation of a non-English language foreign application is not required except: (A) When the application is involved in an interference (see § 41.202 of this title), (B) When necessary to overcome the date of a reference relied upon by the examiner, or (C) When specifically required by the examiner.” Thus, unless the Examiner is explicitly requesting an English translation of the priority documents for a particular reason, no such translation should be required.

II. Claim Rejections under 35 U.S.C. § 102

Claims 1-5, 7, 15-17, 19-21, 35, 37-38, 46-47 and 49 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Sheynblat (U.S. Publication No. 2005/192024). Applicant respectfully traverses the rejection.

Claim 1 recites, inter alia, the following:

- iii) a signal replica is determined for each pair of hypotheses corresponding to said estimated positions and distances and to said associated Doppler effects over a selected time interval, and
- iv) the pair of hypotheses corresponding to the signal replica having a maximum correlation with the signal received

during said time interval is selected in order to determine said pseudo-random codes modulating said received signals.

The above-quoted portion of claim 1 recites determining a signal replica “for each pair of hypotheses . . . over a selected time interval” and selecting “the pair of hypotheses corresponding to the signal replica having a maximum correlation with the signal received during said time interval.”

Sheynblat does not disclose determining signal replicas for selected time intervals, and does not disclose any information about how it selects which signal replica to apply. Sheynblat also fails to disclose multiple signal replicas, from which one is selected. In fact, Sheynblat does not appear to discuss signal replicas at all, much less selecting a signal replica “having a maximum correlation with the signal received during” a selected time interval, as required by claim 1.

Furthermore, in the “Response to Arguments” portion of the instant Office Action, the Examiner straightforwardly concedes that “Sheynblat does not specifically disclose ‘pair of hypotheses.’” However, the Examiner appears to contend that certain of the above-quoted features of claim 1 are inherent to the system of Sheynblat.

When “relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art.” MPEP § 2112[IV] (emphasis modified) (citations omitted). The Examiner has not, as of yet, provided evidence or reasoning sufficient to support an argument that the above-quoted features of claim 1 are inherent (i.e., strictly necessary) in all satellite interactions of the type described in Sheynblat

Thus, Sheynblat fails to identically disclose each and every required element of independent claim 1 and, therefore, fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 1 and its dependent claims 2-5, 7, 35, 37, and 38 be withdrawn.

Independent claim 15 recites features similar to those of claim 1. Claim 15 is, therefore, also patentable at least for reasons analogous to those set forth above regarding claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 15 and its dependent claims 16, 17, 19-21, 46, 47, and 49 be withdrawn.

III. Claim Rejections under 35 U.S.C. § 103

A. Sheynblat

Claims 1-4, 6, 11-13, 15-16, 18, 23, 36, and 46-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheynblat (U.S. Publication No. 2005/0192024). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Sheynblat is deficient vis-à-vis independent claims 1 and 15. Applicant respectfully submits that even taken for what Sheynblat would have meant as a whole to an artisan of ordinary skill, the teachings of this reference would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 15, much less dependent claims 2-4, 6, 11-13, 16, 18, 23, 36, and 46-47.

Furthermore, although insufficient to overcome the deficiencies of Sheynblat in this instance, the Examiner appears to rely upon official notice to argue that various features would have been obvious to one of skill in the art. Accordingly, Applicant respectfully requests that the Examiner provide references in support of any such arguments, as the MPEP clearly states that “[i]t would not be appropriate for the examiner to take official notice of facts without citing a

prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” MPEP § 2144.03[A].

Therefore, claims 1-4, 6, 11-13, 15-16, 18, 23, 36, and 46-47 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 6, 11-13, 15-16, 18, 23, 36, and 46-47.

B. Sheynblat and Jolley

Claims 8, 22, 26-34, 44-45 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheynblat (U.S. Publication No. 2005/0192024) as applied to claim 1 above, and further in view of Jolley (U.S. Patent No. 6,323,803). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Sheynblat is deficient vis-à-vis independent claims 1 and 15. Applicant respectfully submits that Jolley fails to compensate for the deficiencies of Sheynblat. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 15, much less dependent claims 8, 22, 26-34, 44-45 and 48.

Therefore, claims 8, 22, 26-34, 44-45 and 48 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 8, 22, 26-34, 44-45 and 48.

C. Sheynblat and Tzamaloukas

Claims 14 and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheynblat (U.S. Publication No. 2005/0192024) as applied to claim 1 above, and further in view of Tzamaloukas (U.S. Publication No. 2004/0230345). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Sheynblat is deficient vis-à-vis independent claims 1 and 15. Applicant respectfully submits that Tzamaloukas fails to compensate for the deficiencies of Sheynblat. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 15, much less dependent claims 14 and 24-25.

Therefore, claims 14 and 24-25 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 14 and 24-25.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Amendment is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the

RESPONSE UNDER 37 C.F.R. § 1.116
Application No.: 10/566,709

Attorney Docket No.: Q92617

Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said
Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

/Kelly G. Hyndman 39,234/
Kelly G. Hyndman
Registration No. 39,234

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 30, 2009